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30. Trial (§ 260 (1)*)—Instructions—Repetition.—Where instructions given by court covered law of case adequately, rejection of instructions requested by defendant was not error.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 742.]

Error to Circuit Court, Russell County.

Action by S. M. Redd against the Clinchfield Coal Corporation. To review judgment for plaintiff, defendant brings error. Affirmed.

Burns & Kidd, of Lebanon, and *Morison, Morison & Robertson*, of Bristol, for plaintiff in error.

Chapman, Peery & Buchanan, of Tazewell, and *M. M. Long*, of St. Paul, Va., for defendant in error.

COLLINS *v.* COMMONWEALTH.

Sept. 19, 1918.

[96 S. E. 826.]

1. Criminal Law (§ 517 (1)*)—Confessions—Admissibility.—A statement by accused before a justice of the peace on a preliminary hearing that "he wanted to plead guilty to the charge" was not a judicial confession, but was admissible as an extrajudicial confession upon the same charges in an indictment.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 81.]

2. Criminal Law (§ 517 (1)*)—Confession—Admissibility.—An extrajudicial confession is not inadmissible merely because insufficient in itself to prove the charge.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 82.]

3. Intoxicating Liquors (§ 236 (1)*)—Unlawful Transportation—Sufficiency of Evidence.—Evidence held sufficient to sustain a conviction of unlawful transportation of whisky.

[Ed. Note.—For other cases, see 8 Va.-W. Va. Enc. Dig. 34.]

4. Criminal Law (§ 538 (3)*)—Confessions—Sufficiency to Prove Charge.—Where one was brought before a justice upon a warrant charging him with selling, giving away, offering, keeping, exposing for sale, transporting, and aiding in procuring ardent spirits contrary to law, a statement by him that he wanted to plead guilty to "the charge" was too uncertain to alone support a conviction for transporting liquor.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 97.]

5. Criminal Law (§ 534 (1)*)—Confessions.—Evidence as to confessions of parties is inconclusive to establish the fact without the aid of other testimony.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 98.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

6. Criminal Law (§ 535 (1)*)—Confessions—Corpus Delicti.—The corpus delicti cannot be established by confession of an accused person uncorroborated by other evidence.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 96.]

7. Intoxicating Liquors (§ 236 (11)*)—Sales—Presumptions from Possession.—Acts 1916, c. 146, § 65, providing that possession of a certain amount of intoxicating liquor is prima facie evidence that it is possessed for the purpose of sale, does not warrant a conviction of "selling" ardent spirits merely from the fact of possession.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 452; 13 Va.-W. Va. Enc. Dig. 612.]

8. Criminal Law (§ 1176*)—Harmless Error.—Where one was convicted of unlawful transportation and also sale of ardent spirits, error of court in declining to set aside verdict as to "selling" ardent spirits because unsupported by evidence was harmless, where penalty imposed was the minimum penalty for transporting spirits.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 471.]

9. Criminal Law (§ 878 (3), 933*)—Setting Aside Verdict—Several Counts.—Where one charged with selling, transporting, possessing, manufacturing, offering, keeping, giving away, receiving orders for, and aiding in procuring ardent spirits, was convicted of "selling" and "transporting" liquor, but was only sentenced for one offense, which one not being shown, the accused cannot complain that the court should have set aside the verdict because he cannot plead the record as a bar to future prosecutions, because the conviction was in effect an acquittal of all other offenses charged.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 452; 13 Va.-W. Va. Enc. Dig. 612.]

Error to Circuit Court, Wise County.

App. Collins was convicted of transporting and selling whisky contrary to law, and he brings error. Affirmed.

A. N. Kilgore, of Wise, for plaintiff in error.

John R. Saunders, *Atty. Gen.*, and *J. D. Hank, Jr.*, *Asst. Atty. Gen.*, for the Commonwealth.

KIRK et al. v. HOGE et al.

Sept. 19, 1918.

[97 S. E. 116.]

1. Waters and Water Courses (§ 162*)—Use of Water for Mill Purposes—Easement by Implication of Law.—On partition of land

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.